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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/069,650	09/11/2002	Klaus Peter Maass	215849	3547

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EXAMINER

STRIMBU, GREGORY J

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

Office Action Summary	Application No. 10/069,650	Applicant(s) MAASS, KLAUS PETER	
	Examiner Gregory J. Strimbu	Art Unit 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 September 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☒ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>5</u> | 6) <input type="checkbox"/> Other: . |

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Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on August 27, 1999. It is noted, however, that applicant has not filed a copy of the 9920394.5 application.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "28B" on line 19 of page 6 and "24A" on line 10 of page 7. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because recitations such as "mitred" on line 6 and "moulded" on line 7 should be changed to the customary U.S. spelling. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

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- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

The disclosure is objected to because of the following informalities: recitations such as "mitre" on line 9 of page 1, "moulded" on line 16 of page 7 and "colour" on line 19 of page 8 should be changed to the customary U.S. spelling. It appears that "28B" on lines 19 and 20 of page 6 should be changed to --30B-- to avoid confusion. It appears that "24" on lines 10 and 21 of page 7 should be changed to --24-- to avoid confusion.

Appropriate correction is required.

The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed. It is suggested that the

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applicant amend the title to include the insert for the corner of the window frame. See claim 1.

Claim Rejections - 35 USC § 112

Claims 1-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as “a sharp corner” on line 2 of claim 1 render the claims indefinite because it is unclear what comprises a “sharp” corner. At what angle does a corner have to be before it can be called a “sharp” corner? Possessive pronouns such as “its” on line 4 of claim 1 should be replaced with the element of the invention to which the applicant is referring to avoid confusion. Recitations such as “being separated from that side wall” on line 4 of claim 1 render the claims indefinite because it is unclear what the applicant is attempting to set forth. What spatial relationship is the applicant attempting to set forth? Is the applicant referring to a portion of the side wall which is removed? Recitations such as “a portion of the channel including the sharp corner” on line 5 of claim 1 render the claims indefinite because the applicant has failed to set forth a corner for the channel. See line 2 of claim 1 wherein the applicant only sets forth a corner for the window opening. Recitations such as “at the corner” on line 7 of claim 1 render the claims indefinite because it is unclear if the applicant is claiming the combination of the channel and the window opening or the subcombination of the channel. The preamble of claim 1 implies the subcombination while the recitation “the

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corner" on line 7 implies the combination. Recitations such as "mitre-cut" on line 7 of claim 1 render the claims indefinite because it is unclear if the applicant is setting forth a particular angle or is setting forth a method step. Additionally, recitations such as "mitre" on line 7 should be changed to the customary U.S. spelling. Recitations such as "the sharp angle" on line 8 and "the remainder of that side wall" on line 9 render the claims indefinite because they lack antecedent basis. Recitations such as "the said" on line 9 are redundant since it is not necessary to use to antecedents. Recitations such as "flexible material" on line 11 of claim 1 render the claims indefinite because it is unclear if the applicant is referring to the material set forth above or is attempting to set forth another material in addition to the one set forth above. Recitations such as "the curve" on line 13 of claim 1 render the claims indefinite because they lack antecedent basis. Recitations such as "said first side wall is separated . . . but also to an end of the channel" on lines 1-3 of claim 3 render the claims indefinite because it is unclear what the applicant is attempting to set forth. How can the first side wall be separated to an end of the channel? Recitations such as "the separated lip" on line 3 of claim 3 render the claims indefinite because it is unclear to which one the plurality of lips set forth above the applicant is referring. Recitations such as "in which . . . to an end of the channel" on lines 1-2 of claim 4 render the claims indefinite because they are undecipherable. It appears that the applicant is missing a verb. Recitations such as "secured" on line 2 of claim 6 render the claims indefinite because it is unclear to what element of the invention the insert is secured. Recitations such as "previously produced" on line 2 of claim 10 render the claims indefinite because it is unclear what

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the applicant is attempting to set forth. What follows the production of the insert? Is the applicant attempting to set forth a method step? Recitations such as "the window glass" on lines 2-3 of claim 12 render the claims indefinite because they lack antecedent basis. Recitations such as "in which is mounted" on line 1 of claim 14 render the claims indefinite because it is unclear to what element of the invention the applicant is referring. What element of the invention is mounted? Recitations such as "the door" on line 2 of claim 14 render the claims indefinite because they lack antecedent basis.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 and 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication 2 311 799 in view of Christian. UK Patent Publication 2 311 799 discloses a window sealing and guiding channel for a window opening having a sharp corner, comprising a channel base 22 and first 24 and second 26 integral channel side walls made of flexible material, each side wall having a lip 28 and 30, respectively, extending along its distal edge, the lip 28 on the first side wall being separated from that side wall over a region extending along a portion of the channel including the sharp corner as shown in figures 2 and 5, the separated lip smoothly bridging across the sharp corner, the lip 30 on the second side wall being separated from that side wall at

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the corner and miter cut thereto from a miter joint matching the sharp angle, an insert 47 being secured between the separated lip of the first side wall and the remainder of that side wall over the region. UK Patent Publication 2 311 799 is silent concerning a third side wall.

However, Christian discloses a window sealing and guiding channel comprising a second side wall 24 having a lip 16 and a third side wall 42 having a lip 32.

It would have been obvious to one of ordinary skill in the art to provide UK Patent Publication 2 311 799 with a second and third wall configuration, as taught by Christian, to more securely attach the window sealing and guiding channel to a vehicle.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over UK Patent Publication 2 311 799 in view of Christian as applied to claims 1-6 and 8-14 above, and further in view of Kawai. Kawai discloses a window sealing and guiding channel 4 having an integrally molded insert 4D.

It would have been obvious to one of ordinary skill in the art to provide UK Patent Publication 2 311 799, as modified above, with an integrally molded insert, as taught by Kawai, to better secure the insert to the window sealing and guiding channel.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vaughn and Vaughan are cited for disclosing a window sealing and guiding channel having a third side wall. Baumann, Backes et al., Takamiya,

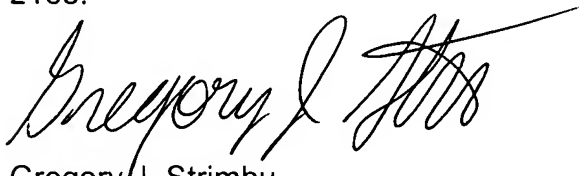
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Eckart, Mesnel, Nozaki et al. '157 and '938 and Ford et al. are cited for disclosing a window sealing and guiding channel having an insert.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 703-308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

A handwritten signature in black ink, appearing to read "Gregory J. Strimbu", with a long, sweeping horizontal line extending from the end of the signature.

Gregory J. Strimbu
Primary Examiner
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December 1, 2003